

REMARKS/ARGUMENTS

Reconsideration of this amendment as presently amended and in light of the following discussion is respectfully requested.

Claims 2, 3, and 5-12 are pending, Claims 1 and 4 having previously been canceled, and Claims 2-3 and 5 having been amended by way of the present amendment.

In the outstanding Office Action Claims 2-3 and 5-12 were rejected under 35 USC 112, 1<sup>st</sup> paragraph; Claims 2-3, 5-6, 9 and 13 were rejected as being obvious over Ye (US 2002/0101634) in view of Ziari (U.S. Patent No. 6,522,796); Claims 7-8 and 10 were rejected as being obvious over Ye in view of Ziari and Nishiura (US Patent No. 5,526,115); and Claim 11 was rejected over Ye in view of Ziari and Cornwell (U.S. Patent No. 6,356,383).

In reply, Claims 2-3 and 5 have been amended to address the rejection under 35 U.S.C. § 112, first paragraph. It is believed that the amendment clarifies the claims and addresses the remarks in paragraph three of the outstanding Office Action. Moreover, it is respectfully submitted that Claims 2-3 and 5-12, as amended, comply with 35 U.S.C. § 112, first paragraph. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

In the reply to the several rejections of Claims 2, 3 and 5-12, Applicants respectfully traverse the rejection. All of these claims are rejected over Ye. However, Ye is not prior art with regard to the presently claimed invention. With the amendment filed on December 17, 2003, Applicants filed therewith a translation of Japanese priority patent application (JP 2001-022620). This Japanese application has a filing date in Japan of January 31, 2001. The undersigned recognizes that this Japanese filing date is forty-five days after the 102(e) date of Ye (December 15, 2000). However, Applicants respectfully submit they conceived of the invention prior to December 15, 2000 as is evidenced by the “application proposal” (a copy of which, as well as a partial translation of which is attached hereto) submitted by the

inventors to the Assignee's IP department on November 14, 2000 (see Japanese language document, as well as English translation). As is evident from the filing of a corresponding patent application on January 31, 2001, personnel of the assignee worked diligently to prepare a patent application at least from December 14, 2000 through January 31, 2001. Therefore, it is respectfully submitted that Ye is not prior art with regard to the presently claimed invention.

Consequently, it is respectfully submitted that Claims 2-3 and 5-12, as amended, are adequately supported by the specification, and patently defined over the asserted prior art. The present application is therefore believed to be in condition for allowance and an action to that effect is respectfully requested.

Respectfully submitted,

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